

Subpart Q—Iowa

§ 52.820 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable SIP for Iowa under section 110 of the CAA, 42 U.S.C. 7401, and 40 CFR Part 51 to meet NAAQS.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to July 1, 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c), (d), and (e) of this section with the EPA approval dates after July 1, 1998, will be incorporated by ref-

erence in the next update to the SIP compilation.

(2) EPA Region VII certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of July 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC; or at the EPA Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

(c) *EPA-approved regulations.*

EPA—APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Comments
Iowa Department of Natural Resources Environmental Protection Commission [567]				
Chapter 20—Scope of Title-Definitions-Forms-Rule of Practice				
567–20.1	Scope of Title	5/3/98	4/12/99, 64 FR 17550	
567–20.2	Definitions	10/14/98	5/13/99, 64 FR 25827	
567–20.3	Air Quality Forms Generally	5/3/98	4/12/99, 64 FR 17550	
Chapter 21—Compliance				
567–21.1	Compliance Schedule	3/14/90	6/29/90, 55 FR 26690	
567–21.2	Variances	3/14/90	6/29/90, 55 FR 26690	
567–21.3	Emission Reduction Program	3/14/90	6/29/90, 55 FR 26690	
567–21.4	Circumvention of Rules	3/14/90	6/29/90, 55 FR 26690	
567–21.5	Evidence Used in Establishing That a Violation Has or Is Occurring.	11/16/94	10/30/95, 60 FR 55198	
Chapter 22—Controlling Pollution				
567–22.1	Permits Required for New or Existing Stationary Sources.	12/23/98	5/13/99, 64 FR 25827	Subrule 22.1(3) "b"(9) has not been approved.
567–22.2	Processing Permit Applications	4/9/97	6/25/98, 63 FR 34600	Subrule 22.3 (6) has not been approved as part of the SIP.
567–22.3	Issuing Permits	2/24/93	5/12/93, 58 FR 27939	
567–22.4	Special Requirements for Major Stationary Sources Located in Areas Designated Attainment or Unclassified (PSD).	5/3/98	4/12/99, 64 FR 17550	Only subparagraph (2)(i)(5) is included in the SIP.
567–22.5	Special Requirements for Nonattainment Areas.	5/3/98	4/12/99, 64 FR 17550	
567–22.8	Permit by Rule	5/3/98	4/12/99, 64 FR 17550	
567–22.105	Title V Permit Applications	11/16/94	10/30/95, 60 FR 55198	
567–22.200	Definitions for Voluntary Operating Permits	10/18/95	4/30/96, 61 FR 18958	
567–22.201	Eligibility for Voluntary Operating Permits	4/9/97	6/25/98, 63 FR 34601	
567–22.202	Requirement to Have a Title V Permit	4/9/97	6/25/98, 63 FR 34601	
567–22.203	Voluntary Operating Permit Applications	10/14/98	5/13/99, 64 FR 25827	
567–22.204	Voluntary Operating Permit Fees	12/14/94	4/30/96, 61 FR 18958	

EPA—APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Comments
567–22.205	Voluntary Operating Permit Processing Procedures.	12/14/94	4/30/96, 61 FR 18958	
567–22.206	Permit Content	10/18/95	4/30/96, 61 FR 18958	
567–22.207	Relation to Construction Permits	12/14/94	4/30/96, 61 FR 18958	
567–22.208	Suspension, Termination, and Revocation of Voluntary Operating Permits.	12/14/94	4/30/96, 61 FR 18958	
567–22.300	Operating Permit by Rule for Small Sources ...	10/14/98	5/13/99, 64 FR 25828	
Chapter 23—Emission Standards for Contaminants				
567–23.1	Emission Standards	10/14/98	5/13/99, 64 FR 25828	Sections 23.1(2)–(5) are not approved in the SIP.
567–23.2	Open Burning	5/3/98	4/12/99, 64 FR 17550	Section 23.3(3)(d) is not part of the approved SIP.
567–23.3	Specific Contaminants	5/3/98	4/12/99, 64 FR 17550	
567–23.4	Specific Processes	4/20/94	12/21/94, 59 FR 65717	Section 23.4(10) is not part of the approved SIP.
Chapter 24—Excess Emissions				
567–24.1	Excess Emission Reporting	5/3/98	4/12/99, 64 FR 17551	
567–24.2	Maintenance and Repair Requirements	3/14/90	6/29/90, 55 FR 26690	
Chapter 25—Measurement of Emissions				
567–25.1	Testing and Sampling of New and Existing Equipment.	12/23/98	5/13/99, 64 FR 25828	Subrule 25.1(12) has not been approved.
Chapter 26—Prevention of Air Pollution Emergency Episodes				
567–26.1	General	3/14/90	6/29/90, 55 FR 26690	
567–26.2	Episode Criteria	3/14/90	6/29/90, 55 FR 26690	
567–26.3	Preplanned Abatement Strategies	3/14/90	6/29/90, 55 FR 26690	
567–26.4	Actions During Episodes	3/14/90	6/29/90, 55 FR 26690	
Chapter 27—Certificate of Acceptance				
567–27.1	General	3/14/90	6/29/90, 55 FR 26690	
567–27.2	Certificate of Acceptance	3/14/90	6/29/90, 55 FR 26690	
567–27.3	Ordinance or Regulations	3/14/90	6/29/90, 55 FR 26690	
567–27.4	Administrative Organization	3/14/90	6/29/90, 55 FR 26690	
567–27.5	Program Activities	3/14/90	6/29/90, 55 FR 26690	
Chapter 28—Ambient Air Quality Standards				
567–28.1	Statewide Standards	10/14/98	5/13/99, 64 FR 25828	
Chapter 29—Qualification in Visual Determination of the Opacity of Emissions				
567–29.1	Methodology and Qualified Observer	5/3/98	4/12/99, 64 FR 17551	
Chapter 31—Nonattainment Areas				
567–31.1	Permit Requirements Relating to Nonattainment Areas.	2/22/95	10/23/97, 62 FR 55172	
567–31.2	Conformity of General Federal Actions to the Iowa SIP or Federal Implementation Plan.	5/3/98	4/12/99, 64 FR 17551	
Linn County				
CHAPTER 10.	Linn County Code of Ordinance Providing for Air Quality Chapter 10.	3/7/97	2/2/98, 63 FR 5268	

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EPA—APPROVED IOWA REGULATIONS—Continued

Iowa citation	Title	State effective date	EPA approval date	Comments
Polk County				
CHAPTER V	Polk County Board of Health Rules and Regulations Air Pollution Chapter V.	12/18/96	2/2/98, 63 FR 5268	Sections 5–27(3) and (4) are not a part of the SIP.

(d) *EPA-approved State source-specific permits.*

EPA-APPROVED IOWA SOURCE-SPECIFIC PERMITS

Name of source	Order/permit No.	State effective date	EPA approval date	Comments
Archer-Daniels Midland Company	90–AQ–10	3/25/91	11/1/91, 56 FR 56158	SO ₂ Control Plan for Cedar Rapids, Iowa. ADM Corn Processing SO ₂ Control Plan for Cedar Rapids, Iowa. PM ₁₀ control plan for Buffalo, Iowa. PM ₁₀ control plan for Buffalo, Iowa.
Interstate Power Company	89–AQ–04	2/21/90	11/1/91, 56 FR 56158	
Grain Processing Corporation	74–A–015–S	9/18/95	12/1/97, 62 FR 63454	
Grain Processing Corporation	79–A–194–S	9/18/95	12/1/97, 62 FR 63454	
Grain Processing Corporation	79–A–195–S	9/18/95	12/1/97, 62 FR 63454	
Grain Processing Corporation	95–A–374	9/18/95	12/1/97, 62 FR 63454	
Muscatine Power and Water	74–A–175–S	9/14/95	12/1/97, 62 FR 63454	
Muscatine Power and Water	95–A–373	9/14/95	12/1/97, 62 FR 63454	
Monsanto Corporation	76–A–161S3	7/18/96	12/1/97, 62 FR 63454	
Monsanto Corporation	76–A–265S3	7/18/96	12/1/97, 62 FR 63454	
IES Utilities, Inc.	98–AQ–20	11/20/98	3/11/99 64 FR 12090	
Archer-Daniels-Midland Corporation	SO ₂ Emission Control Plan	9/14/98	3/11/99 64 FR 12090	
Linwood Mining and Minerals Corporation.	98–AQ–07	3/13/98	3/18/99, 64 FR 13346	PM ₁₀ control plan for Buffalo, Iowa.
Lafarge Corporation	98–AQ–08	3/19/98	3/18/99, 64 FR 13346	

(e) *The EPA approved nonregulatory provisions and quasi-regulatory measures.*

EPA-APPROVED IOWA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
Air Pollution Control Implementation Plan ..	Statewide	1/27/72	5/31/72, 37 FR 10842	Correction notice published 3/2/76. Correction notice published 3/2/76.
Request for a Two Year Extension to Meet the NAAQS.	Council Bluffs	1/27/72	5/31/72, 37 FR 10842	
Revisions to Appendices D and G	Statewide	2/2/72	5/31/72, 37 FR 10842	
Source Surveillance and Record Maintenance Statements.	Statewide	4/14/72	3/2/76, 41 FR 8960	
Statement Regarding Public Availability of Emissions Data.	Statewide	5/2/72	3/2/76, 41 FR 8960	
Letter Describing the Certificates of Acceptance for Local Air Pollution Control Programs.	Linn County, Polk County.	12/14/72	10/1/76, 41 FR 43407	
High Air Pollution Episode Contingency Plan.	Statewide	6/20/73	10/1/76, 41 FR 43407	
Summary of Public Hearing on Revised Rules Which Were Submitted on July 17, 1975.	Statewide	9/3/75	10/1/76, 41 FR 43407	
Air Quality Modeling to Support Sulfur Dioxide Emission Standards.	Statewide	3/4/77	6/1/77, 42 FR 27892	
Nonattainment Plans	Mason City, Davenport, Cedar Rapids, Des Moines.	6/22/79	3/6/80, 45 FR 14561	
Information on VOC Sources to Support the Nonattainment Plan.	Linn County	10/8/79	3/6/80, 45 FR 14561	
Information and Commitments Pertaining to Legally Enforceable RACT Rules to Support the Nonattainment Plan.	Linn County	11/16/79	3/6/80, 45 FR 14561	

EPA-APPROVED IOWA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
Lead Plan	Statewide	8/19/80	3/20/81, 46 FR 17778	
Letter to Support the Lead Plan	Statewide	1/19/81	3/20/81, 46 FR 17778	
Nonattainment Plans to Attain Secondary Standards.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	4/18/80	4/17/81, 46 FR 22372	
Information to Support the Particulate Matter Nonattainment Plan.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	9/16/80	4/17/81, 46 FR 22372	
Information to Support the Particulate Matter Nonattainment Plan.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	11/17/80	4/17/81, 46 FR 22372	
Schedule for Studying Nontraditional Sources of Particulate Matter and for Implementing the Results.	Mason City, Cedar Rapids, Des Moines, Davenport, Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, Waterloo.	6/26/81	3/5/82, 47 FR 9462	
Air Monitoring Strategy	Statewide	7/15/81	4/12/82, 47 FR 15583	
Letter of Commitment to Revise Unapprovable Portions of Chapter 22.	Statewide	5/14/85	9/12/85, 50 FR 37176	
Letter of Commitment to Submit Stack Height Regulations and to Implement the EPA's Regulations until the State's Rules Are Approved.	Statewide	4/22/86	7/11/86, 51 FR 25199	
Letter of Commitment to Implement the Stack Height Regulations in a Manner Consistent with the EPA's Stack Height Regulations with Respect to NSR/PSD Regulations.	Statewide	4/22/87	6/26/87, 52 FR 23981	
PM ₁₀ SIP	Statewide	10/28/88	8/15/89, 54 FR 33536	Correction notice published 1/26/93.
Letter Pertaining to NO _x Rules and Analysis Which Certifies the Material Was Adopted by the State on October 17, 1990.	Statewide	11/8/90	2/13/91, 56 FR 5757	
SO ₂ Plan	Clinton	3/13/91	11/1/91, 56 FR 56158	
Letter Withdrawing Variance Provisions	Polk County	10/23/91	11/29/91, 56 FR 60924	
Letter Concerning Open Burning Exemptions.	Statewide	10/3/91	1/22/92, 57 FR 2472	
Compliance Sampling Manual	Statewide	1/5/93	5/12/93, 58 FR 27939	
Small Business Assistance Plan	Statewide	12/22/92	9/27/93, 58 FR 50266	
Voluntary Operating Permit Program	Statewide	12/8/94, 2/16/96, 2/27/96	4/30/96, 61 FR 18958	

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EPA-APPROVED IOWA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
SO ₂ Plan	Muscatine	6/19/96, 5/21/97 4/25/97	12/1/97, 62 FR 63454	
SO ₂ Maintenance Plan	Muscatine		3/19/98, 63 FR 13343	

[64 FR 7094, Feb. 12, 1999, as amended at 64 FR 12090, Mar. 11, 1999; 64 FR 13345, Mar. 18, 1999; 64 FR 17550, Apr. 12, 1999; 64 FR 25827, May 13, 1999]

EPA-APPROVED IOWA REGULATIONS

Iowa citation	Title	State effective date	EPA approval date	Comments
Iowa Department of Natural Resources Environmental Protection Commission [567] Chapter 20—Scope of Title-Definitions-Forms-Rule of Practice				
* 567–20.2	* Definitions	* 5/3/98	* 4/12/99, 64 FR 17550	* *
*	*	*	*	*
Chapter 22—Controlling Pollution				
* 567–22.1	* Permits Required for New or Existing Stationary Sources.	* 5/3/99	* 4/12/99, 64 FR 17550	* *
* 567–22.203	* Voluntary Operating Permit Applications	* 5/3/98	* 4/12/99, 64 FR 17550	* *
* 567–22.300	* Operating Permit by Rule for Small Sources.	* 5/3/98	* 4/12/99, 64 FR 17550	* *
*	*	*	*	*
Chapter 23—Emission Standards for Contaminants				
* 567–23.1	* Emission Standards	* 5/3/98	* 4/12/99, 64 FR 17550	* Sections 23.1(2)–(5) are not approved in the SIP
*	*	*	*	*
Chapter 25—Measurement of Emissions				
* 567–25.1	* Testing and Sampling of New and Existing Equipment.	* 5/3/98	* 4/12/99, 64 FR 17550	* *
*	*	*	*	*
Chapter 28—Ambient Air Quality Standards				
* 567–28.1	* Statewide Standards	* 3/14/90	* 6/29/90, 55 FR 26690	* *
*	*	*	*	*

§ 52.821 Classification of regions.

The Iowa plan was evaluated on the basis of the following classification:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Omaha-Council Bluffs Interstate	I	II	III	III	III
Metropolitan Sioux Falls Interstate	II	III	III	III	III
Metropolitan Sioux City Interstate	III	III	III	III	III
Metropolitan Dubuque Interstate	I	III	III	III	III
Metropolitan Quad Cities Interstate	I	III	III	III	III
Burlington-Keokuk Interstate	I	I	III	III	III
Northwest Iowa Intrastate	III	III	III	III	III
North Central Iowa Intrastate	IA	III	III	III	III
Northeast Iowa Intrastate	I	III	III	III	III
Southwest Iowa Intrastate	III	III	III	III	III
South Central Iowa Intrastate	I	III	III	III	I
Southeast Iowa Intrastate	III	III	III	III	III

[37 FR 10865, May 31, 1972, as amended at 39 FR 16346, May 8, 1974]

§ 52.822 Approval status.

(a) With the exceptions set forth in this subpart, the Administrator approves Iowa's plan for the attainment and maintenance of the national standards. Further, the Administrator finds the plan satisfies all requirements of Part D, Title I, of the Clean Air Act as amended in 1977, except as noted below.

[45 FR 14567, Mar. 6, 1980, as amended at 46 FR 47546, Sept. 29, 1981]

§ 52.823 PM₁₀ State Implementation Plan Development in Group II Areas.

The Iowa Department of Natural Resources committed to comply with the PM₁₀ regulations as set forth in 40 CFR part 51. In a letter to Morris Kay, EPA, dated October 28, 1988, Mr. Larry J. Wilson, Director, Iowa Department of Natural Resources, stated:

Three groups within the State of Iowa have been classified as Group II areas for fine particulate (PM-10) State Implementation Plan (SIP) development purposes. This includes portions of the cities of Des Moines, Mason City, and Cedar Rapids. The specific boundaries of these areas were identified in a letter of October 13, 1987, from Peter R. Hamlin to Carl Walter. The remainder of the State was classified as Group III.

In accordance with the SIP development procedures identified in the preamble of the PM-10 regulations for Implementing Revised Particulate Matter Standards, promulgated July 1, 1987, the State of Iowa commits to

perform the following activities in these three Group II areas of the state:

(a) Gather ambient PM-10 data, to an extent consistent with minimum EPA requirements (note the network description contained in a letter of January 26, 1988, from Peter R. Hamlin to John Helvig).

(b) Analyze and verify the ambient PM-10 data and report exceedances of the 24-hour PM-10 National Ambient Air Quality Standards (NAAQS) to the Regional Office within 60 days of each exceedance.

(c) Immediately notify the Regional Office:

(1) Upon the availability of an appropriate number of verifiable 24-hour NAAQS exceedances to indicate a violation (see Section 2.0 of the PM-10 SIP development guideline) or

(2) when an annual arithmetic mean (AAM) above the annual PM-10 NAAQS becomes available.

(d) Within thirty (30) days of any notification of the Regional Office pursuant to (c) above (or upon collection of thirty-six (36) months of PM-10 ambient air quality data acceptable to EPA, whichever comes first) determine whether the measures in the existing SIP will assure timely attainment and maintenance of the primary PM-10 NAAQS and immediately notify the Regional Office of the results of this determination.

(e) Within six (6) months of any notification pursuant to (d) above, adopt and submit to EPA a PM-10 control strategy that assures attainment as expeditiously as practicable but not later than three (3) years from approval of the Committal SIP.

Because of the uncertainty about when the determination can be made pursuant to (d)

above, it is difficult to determine if that control strategy could provide for the attainment of the PM-10 NAAQS within three years from the date EPA approves this Committal SIP. Therefore, I reserve the right to request a two-year extension of the attainment date as provided in Section 110(e) of the Clean Air Act, if and when the State of Iowa submits a SIP revision for any of these areas of the state.

The State of Iowa also commits to develop a PM-10 emission inventory for the areas submitted as part of any PM-10 SIP pursuant to items (c), (d), and (e) above. If the PM-10 NAAQS are not violated, the State of Iowa will proceed with this inventory for the three Group II areas in accordance with the following schedule:

October 1, 1988—Request special assistance funds from EPA to perform the inventory.
 October 1, 1989—Initiate inventory.
 August 1, 1990—Complete inventory.
 October 31, 1990*—Submit inventory as part of a determination of adequacy that the current SIP will attain and maintain the PM-10 NAAQS.

[54 FR 33539, Aug. 15, 1989]

§ 52.824 Original identification of plan section.

(a) This section identifies the original "Air Implementation Plan for the State of Iowa" and all revisions submitted by Iowa that were Federally approved prior to July 1, 1998.

(b) The plan was officially submitted on January 27, 1972.

(c) The plan revisions listed below were submitted on the dates specified:

(1) Request for a two-year extension to meet the National Primary and Secondary Ambient Air Quality Standards for nitrogen dioxide in the Metropolitan Omaha-Council Bluffs Interstate Air Quality Control Region was submitted by the Governor on January 27, 1972. (Non-regulatory)

(2) Revisions of Appendices D and G of the plan were submitted on February 2, 1972, by the State Department of Health. (Non-regulatory)

(3) Source surveillance and record maintenance statements were submitted on April 14, 1972, by the State Department of Health. (Non-regulatory)

(4) Revised statement regarding public availability of emission data was

submitted on May 2, 1972, by the State Department of Health. (Non-regulatory)

(5) State submitted Senate File 85 which created the Department of Environmental Quality and replaced the Iowa air pollution control statute which appeared as Chapter 136B of the Code of Iowa, on May 4, 1972. (Regulatory)

(6) A letter describing the issuance of a Certificate of Acceptance for the local air pollution control programs conducted by the Linn County Board of Health for the jurisdictions of the City of Cedar Rapids and Linn County, and the Des Moines-Polk County Health Department for the jurisdictions of the City of Des Moines and Polk County was submitted by the State Department of Health on December 14, 1972. (Non-regulatory)

(7) Compliance schedules were submitted by the State in February 1973. (Regulatory)

(8) Compliance schedules were submitted by the State in May 1973. (Regulatory)

(9) The State of Iowa High Air Pollution Episode Contingency Plan was submitted on June 20, 1973, by the Governor.

(10) The letter which requested the inclusion of the Linn County Health Department Rules and Regulations, the City of Cedar Rapids Air Pollution Control Ordinance, the Polk County Rules and Regulations—Air Pollution Control, and the City of Des Moines Air Pollution Control Regulations in the State of Iowa implementation plan was submitted by the State Department of Environmental Quality on June 25, 1974. (No approval action was taken on the request because it did not meet the procedural requirements specified in 40 CFR part 51.)

(11) Revisions of Rules 2.1, 3.1, 3.4, 4.1, 4.3(3) and 4.3(4) of the Iowa Rules and Regulations Relating to Air Pollution Control were submitted on April 24, 1974 (by the Governor's office). (No approval or disapproval action was taken on amended Subrule 4.3(3)a., which restricts emissions of sulfur oxides from fuel-burning sources.) (Regulatory)

(12) Compliance schedules were submitted by the State in May 1974.

*Presuming that sufficient ambient data acceptable to EPA are collected by July 31, 1990, and available by September 30, 1990.

(13) Compliance schedules were submitted by the State in May 1974.

(14) Compliance schedules were submitted by the State in July 1974.

(15) Compliance schedules were submitted by the State in August 1974.

(16) A letter from the Director of the Department of Environmental Quality, dated August 29, 1974, which requested that no further action be taken on Subrule 4.3(3) a. as submitted on April 24, 1974. (Regulatory)

(17) Compliance schedules were submitted by the State in September 1974.

(18) Compliance schedules were submitted by the State in November 1974.

(19) Compliance schedules were submitted by the State in February 1975.

(20) Compliance schedules were submitted by the State in April 1975.

(21) Compliance schedules were submitted by the State in June 1975.

(22) Revisions of Rules 1.2, 2.1, 3.1, 3.4, 4.1, 4.2, 4.3, 5.1, 7.1, 8.3 and 8.4 of the Iowa Rules and Regulations Relating to Air Pollution Control were submitted on July 17, 1975, by the Governor's office. (Regulatory) (No approval or disapproval action was taken on Subrules 4.3(2)c. or 4.3(3)b.)

(23) Summary of the public hearing which was held on the revised rules which were submitted on July 17, 1975, by the Governor's office was submitted by the Iowa Department of Environmental Quality on September 3, 1975. (non-regulatory)

(24) Letter which withdrew amended Subrule 4.3(2)c. from the proposed Iowa plan revision submitted on July 17, 1975, was submitted by the Governor's office on January 20, 1976.

(25) Revisions to Rules 1.2, 2.1, 3.1, 3.2, 4.1, 4.3, 4.4, and new Chapters 14 and 52 of the Iowa Administrative Code Relating to Air Pollution Control were submitted June 9, 1976, by the Department of Environmental Quality (Subrules 4.3(3)a(1) and 4.3(3)a(5) were disapproved).

(26) Additional air quality modeling to support the sulfur dioxide emission standards of Subrules 4.3(3)a(1) and 4.3(3)a(2) was submitted March 4, 1977, by the Department of Environmental Quality (Non-regulatory).

(26a) Revisions of Rules 1.2, 4.3(2)b, 4.4(6), 4.4(12) and of Chapter 7 of the Iowa Administrative Code relating to

Air Pollution Control were submitted June 20, 1977, by the Department of Environmental Quality.

(27) Nonattainment plan provisions as required by the Clean Air Act Amendments of 1977 were submitted on June 22, 1979, by the Department of Environmental Quality. The submission included amended rule 4.3(2) relating to fugitive dust and new rule 4.5 relating to offsets for particulate matter. The revisions included attainment plans for particulate in Mason City and Davenport, particulate and ozone in Cedar Rapids and particulate and carbon monoxide in Des Moines. The submission was disapproved in part for failure to meet the requirements of Section 173 and was conditionally approved with respect to several requirements.

(28) On October 8, 1979, the Iowa Department of Environmental Quality submitted additional information to support the June 22, 1979, submission.

(29) On November 16, 1979, the Iowa Air Quality Commission submitted additional information and commitments to allow approval or conditional approval of portions of the June 22, 1979, submission.

(30) Nonattainment plan provisions as required by the Clean Air Act Amendments of 1977 were submitted on April 18, 1980, by the Department of Environmental Quality. The submission included amended rule 4.3(2) relating to fugitive dust and amended rule 3.5 relating to particulate matter offsets. The revisions included plans to attain the secondary particulate standards for all areas designated nonattainment as of March 6, 1980. The submission was conditionally approved with respect to several requirements.

(31) The State of Iowa Lead State Implementation Plan was submitted on August 19, 1980 by the Director of the Department of Environmental Quality.

(32) Additional information to support the April 18, 1980 submission was submitted on September 16, 1980, by the Department of Environmental Quality.

(33) Additional information to support the April 18, 1980 submission was submitted on November 17, 1980, by the Department of Environmental Quality.

(34) A revised Chapter 5, dealing with excess emissions and malfunctions was

submitted on December 23, 1980, by the Department of Environmental Quality.

(35) [Reserved]

(36) A letter was submitted dated January 19, 1981 by the Director of the Department of Environmental Quality which provided additional information concerning the Iowa Lead State Implementation Plan.

(37) A variance from 400—4.2(1) of the Iowa Administrative Code for the Iowa Army Ammunition Plant at Middletown, Iowa, was submitted on October 19, 1979 by the Executive Director.

(38) Revisions to Subrule 400—4.3(2)“c” relating to fugitive emissions control and a document describing how this subrule is to be enforced were submitted on June 1, 1981, by the Department of Environmental Quality.

(39) A schedule for studying nontraditional sources of particulate matter and for implementing the results of the studies in the form of control strategies was submitted on June 26, 1981 by the Department of Environmental Quality. (Non-Regulatory).

(40) Revisions to Subrule 400—4.3(2)“b” relating to particulate emissions from fuel burning sources were submitted on July 31, 1981, by the Department of Environmental Quality.

(41) The Iowa Ambient Air Monitoring Strategy was submitted July 15, 1981, by the Department of Environmental Quality (non-regulatory).

(42) A conditional permit containing an alternative emission reduction program for the Progressive Foundry, Inc., of Perry, Iowa, under 400-3.7 and 400-4.6 of the Iowa Administrative Code; and an administrative order setting forth a compliance schedule, were submitted on December 18, 1981, by the Executive Director. The conditional permit specifies particulate emissions not to exceed 16.3 pounds per hour from the gray iron cupola with a process weight rate not to exceed 8534 pounds per hour and specifies the casting shakeout exhaust system shall not exceed 0.05 grains per standard cubic foot nor 12.8 pounds per hour of particulate matter. The compliance schedule specifies a final compliance date of September 1, 1983.

(43) On July 1, 1983, the State's air pollution control regulations were recodified at Department 900, Title II, Chapters 20 through 29.

(44) Revised Chapter 22 regulations, dealing with new source review in nonattainment areas, were submitted on July 18, 1984, by the Iowa Department of Water, Air and Waste Management. Subrules 22.5(4) g, i, and j remain unapproved. EPA will temporarily defer action on these subrules pending a May 14, 1985, commitment from the State to submit appropriate revisions.

(i) *Incorporation by reference.* Revised Chapter 22 regulations, dealing with new source review in nonattainment areas, adopted by the State on July 17, 1984.

(ii) Additional material. May 14, 1985, letter of commitment from the State to revise unapprovable portions of their Chapter 22 air pollution regulations.

(45) Revised Chapter 22 subrules 22.5(2) a and b; and revised subrules 22.5(4) g, i, and j, all relating to new source review in nonattainment areas, were submitted on December 31, 1985, by the Iowa Department of Water, Air and Waste Management.

(a) *Incorporation by reference.*

(i) Revised Chapter 22 subrules 22.5(2) a and b; and subrules 22.5(4) g, i, and j, adopted by the State on December 17, 1985.

(ii) April 22, 1986, letter of commitment from the Iowa Department of Water, Air and Waste Management to submit stack height regulations by May 30, 1986, and to implement EPA's stack height requirements until such time that the regulations are fully approved.

(46) Revised Chapter 22 regulations pertaining to new source review in attainment and unclassified areas of the state (PSD) were submitted on March 9, 1987, by the Iowa Department of Natural Resources.

(i) *Incorporation by reference.*

(A) Iowa Administrative Bulletin (ARC 7446), amendments to Chapter 22, "Controlling Pollution," adopted by the Iowa Environmental Protection Commission on February 17, 1987.

(B) Letter from Iowa dated April 22, 1987, committing to implementation of its stack height regulations in a manner consistent with EPA's stack height regulations with respect to new source review/PSD regulations.

(47) Revised Chapters 22 and 23 regulations pertaining to stack height credits for modeling purposes were submitted on May 20, 1986, by the Iowa Department of Natural Resources. Revised definition of "emission limitation" and "emission standard" at Iowa regulation 567.20.2(455B), Definitions.

(i) *Incorporation by reference.*

(A) Iowa Administrative Bulletin (ARC 6566), amendments to Chapter 22, "Controlling Pollution" and Chapter 23, "Emission Standards for Contaminants" adopted by the Iowa Environmental Protection Commission on April 22, 1986, effective June 25, 1986.

(B) Iowa Administrative Bulletin (ARC 8023) amendment to 567-20.2(455B). Effective September 22, 1987.

(48) Revised Chapter 22, subrule 22.1(2)"d" exemptions from permit requirements were submitted on September 13, 1988, by the Iowa Department of Natural Resources. The revision clarifies permit exemptions for certain grain roasting equipment.

(i) *Incorporation by reference.*

(A) Amendment to Chapter 22, "Controlling Pollution," Iowa Administrative Code, subrule 22.1(2)"d", effective September 14, 1988.

(49) Revised Polk County, Iowa, Board of Health Rules and Regulations, Chapter V, Air Pollution, submitted by the Iowa Department of Natural Resources on February 3, 1988. EPA approves these regulations with the provision that any operating permit which changes any requirement of the Iowa SIP, including requirements in any construction permit, must be submitted to EPA, and approved, as a SIP revision. In the absence of such approval, the enforceable requirements shall be those in the Iowa SIP.

(i) *Incorporation by reference.*

(A) Ordinance No. 28, Amendment to Polk County Board of Health Rules and Regulations chapter V, Air Pollution, Article I, 5-1 and 5-2 (except for variance); Article II, 5-3; and Article X, 5-28 through 5.50-1 (except for 5-49 and 5-50), effective October 8, 1987.

(ii) Additional material.

(A) None.

(50) Revised Linn County, Iowa, Chapter 10 Ordinance "Air Pollution Control" submitted as a SIP revision by the Iowa Department of Natural Resources

on February 3, 1988. EPA approves these regulations with the provision that any operating permit which changes any requirement of the Iowa SIP, including requirements in any construction permit, must be submitted to EPA, and approved, as a SIP revision. In the absence of such approval, the enforceable requirements shall be those in the Iowa SIP.

(i) *Incorporation by reference.*

(A) Linn County Chapter 10 Ordinance "Air Pollution Control" sections 10.1 (except for 10.1(50)), 10.2, 10.3, and 10.4, adopted by the Linn County Board of Supervisors on September 2, 1987.

(ii) Additional material.

(A) None.

(51) Revised Iowa regulations pertaining to PM₁₀ were submitted by the state on October 28, 1988. These rules became effective on December 21, 1988.

(i) *Incorporation by reference.*

(A) Amended Iowa Administrative Code pertaining to the prevention, abatement, and control of air pollution: Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice;" Chapter 22, "Controlling Pollution;" Chapter 26, "Prevention of Air Pollution Emergency Episodes;" and Chapter 28, "Ambient Air Quality Standards," effective December 21, 1988.

(ii) Additional information.

(A) None.

(52) Revised chapter 22, subrule 22.4(1), submitted on May 7, 1990, incorporates by reference revised EPA Modeling Guideline Supplement A, July 1987, and recodified air quality rules chapter 20-29.

(i) *Incorporation by reference.*

(A) Amendment to chapter 22, "Controlling Pollution," Iowa Administrative Code, subrule 22.4(1). Effective March 14, 1990.

(B) Recodification of Iowa Administrative Code, title II—Air Quality, chapters 20-29, effective December 3, 1986.

(53) Revised chapter 22, rule 22.4(455B), submitted on November 8, 1990, incorporates by reference revised EPA PSD rules pertaining to NO_x increments.

(i) *Incorporation by reference.*

(A) Amendment to chapter 22, "Controlling Pollution," Iowa Administrative Code, subrule 22.4, adopted by the

Environmental Protection Commission on October 17, 1990, effective November 21, 1990.

(ii) Additional material

(A) Letter from the state dated November 8, 1990, pertaining to NO_x rules and analysis which certifies the material was adopted by the state on October 17, 1990.

(54) On March 13, 1991, the Iowa Department of Natural Resources (IDNR) submitted a plan revision pertaining to major SO₂ sources in Clinton County, Iowa.

(i) *Incorporation by reference.* (A) Administrative Consent Order #90-AQ-10, signed by Larry Wilson, Director, IDNR, dated July 5, 1990, and revision dated March 25, 1991. Also, three letters to Archer-Daniels-Midland (ADM) Company dated June 20, 1990, signed by Michael Hayward, IDNR, which contain or reference new or revised permit conditions for ADM sources, and a letter to ADM from IDNR dated February 26, 1991, correcting certain permit provisions.

(B) Administrative Consent Order #89-AQ-04, signed by Larry Wilson, Director, IDNR, dated February 21, 1990. Also, two letters to Interstate Power Company dated January 25 and 29, 1990, and signed by Michael Hayward, IDNR, which contain supplemental permit condition for permits 74-A-117-S and 78-A-157-S.

(ii) *Additional material.* (A) Letter and supplemental material from Larry J. Wilson to Morris Kay dated March 13, 1991.

(55) Revised Polk County, Iowa Board of Health Rules and Regulations, chapter V, Air Pollution, submitted by the Iowa Department of Natural Resources on May 23, 1991.

(i) *Incorporation by reference.* (A) Polk County Board of Health Rules and Regulations, chapter V, Air Pollution, Ordinances 28, 72 and 85, effective May 1, 1991, except for the following: Article I, definition of variance; Article VI, Section 5-16 (n), (o), and (p); Article VI, Section 5-17(d), variance provision; Article VIII; Article IX, Sections 5-27(3) and 5-27(4); and Article X, Division 5—Variance.

(ii) *Additional material.* (A) Letter from Allan Stokes to William A. Spratlin dated October 23, 1991.

(56) Revised Chapter 23, rule 23.2, submitted on October 3, 1991, incorporates changes to the open burning rule.

(i) *Incorporation by reference.*

(A) Amendment to Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code, subrule 23.2, adopted by the Environmental Protection Commission, effective September 12, 1990.

(ii) Additional information.

(A) Letter from Allan Stokes, IDNR, to William Spratlin, dated October 3, 1991.

(57) On January 5, 1993, the Iowa Department of Natural Resources (IDNR) submitted air quality rule revisions to Iowa Administrative Code, Chapters 20, 22, 23, 24, 25, 29, and revisions to the Compliance Sampling Manual.

(i) *Incorporation by reference.*

(A) Revisions to Chapter 20 (20.2), Scope of Title-Definitions-Forms-Rules of Practice; Chapter 22 (22.3(1), 22.4, 22.5(2)), Controlling Pollution; Chapter 23 (23.2(3), 23.3(2), 23.3(3), 23.4(12)), Emission Standards for Contaminants; Chapter 24 (24.1(1), 24.1(5)), Excess Emission; Chapter 25, (25.1(7), 25.1(9)), Measurement of Emissions and rescind 25.1(10)d; and Chapter 29 (29.1), Qualification in Visual Determination of the Opacity of Emissions. These revisions were adopted by the Iowa Environmental Protection Commission on December 21, 1992, and became effective on February 24, 1993.

(ii) Additional material.

(A) Letter from Larry Wilson, IDNR, to Morris Kay, EPA, dated January 5, 1993, and the Compliance Sampling Manual, revised December 1992.

(58) A plan for implementation of the Small Business Stationary Source Technical and Environmental Compliance Assistance Program was submitted by the Iowa Department of Natural Resources as a revision to the Iowa SIP on December 22, 1992.

(i) *Incorporation by reference.*

(A) Revisions to the Iowa State Implementation Plan for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program dated December 1992.

(59) On May 5, 1994, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan (SIP) to

update the state's incorporation by reference and conformity to various federally approved regulations.

(i) *Incorporation by reference.*

(A) Revised rules, "Iowa Administrative Code," effective January 12, 1994. This revision approves an amendment to paragraph 23.2(3)g pertaining to open fires burned for the purpose of training fire-fighting personnel.

(B) Revised rules, "Iowa Administrative Code," effective April 20, 1994. This revision approves amendments to rules 22.4; 23.3(2)d (3) and (4); 23.4(6); and 25.1(9). These rules concern the update of the state's incorporation of prevention of significant deterioration and test method requirements.

(ii) Additional material. None.

(60) On May 5, 1994, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan (SIP) to update the state's incorporation by reference and conformity to various Federally approved regulations.

(i) *Incorporation by reference.*

(A) Revised rules, "Polk County Ordinance No. 132—Polk County Board of Health Rules and Regulations," effective December 2, 1993. This revision approves all articles in Chapter V, except for Article VI, Section 5-16(n) and (p), Article VIII, and Article XIII.

(ii) Additional material.

(A) None.

(61) On October 18, 1994, and January 26, 1995, the Director of the Iowa Department of Natural Resources submitted revisions to the state implementation plan (SIP) to include special requirements for nonattainment areas, provisions for use of compliance, and enforcement information and adoption of EPA definitions. These revisions fulfill Federal regulations which strengthen maintenance of established air quality standards.

(i) *Incorporation by reference.*

(A) Revised rules "Iowa Administrative Code," effective November 16, 1994. This revision approves revised rules 567-20.2, 567-22.5(1)a, 567-22.5(1)f(2), 567-22.5(1)m, 567-22.5(2), 567-22.5(3), 567-22.5(4)b, 567-22.5(6), 567-22.5(7), 567-22.105(2), and new rule 567-21.5. These rules provide for special requirements for nonattainment areas, provisions for use of compliance and enforcement in-

formation and adopts EPA's definition of volatile organic compound.

(B) Revised rules, "Iowa Administrative Code," effective February 22, 1995. This revision approves new definitions to rule 567-20.2. This revision adopts EPA's definitions of "EPA conditional method" and "EPA reference method."

(ii) Additional material.

None.

(62) [Reserved]

(63) On December 8, 1994; February 16, 1996; and February 27, 1996, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan (SIP) to create a voluntary operating permit program as an alternative to Title V. These revisions strengthen maintenance of established air quality standards.

(i) *Incorporation by reference.*

(A) "Iowa Administrative Code," sections 567-22.200-22.208, effective December 14, 1994. These rules create the voluntary operating permit program.

(B) "Iowa Administrative Code," sections 567-22.201(1)"a" and 22.206(1)"h", effective January 11, 1995.

(C) "Iowa Administrative Code," section 567-22.203(1)"a"(1), effective February 24, 1995.

(D) "Iowa Administrative Code," sections 567-20.2; 22.200; 22.201(1)"a" and "b"; 22.201(2)"a"; and 22.206(2)"c", effective October 18, 1995.

(ii) Additional material.

(A) Letter from Allan E. Stokes, Iowa Department of Natural Resources, to William A. Spratlin, U.S. EPA, dated February 16, 1995. This letter outlines various commitments by the state to meet requirements outlined by the EPA.

(64) In correspondence dated February 16, 1996, February 19, 1996, and February 27, 1996, the Director of the Iowa Department of Natural Resources (IDNR) submitted revisions to the State Implementation Plan concerning open burning, new source review (NSR) requirements for nonattainment areas, test method and definition updates.

(i) *Incorporation by reference.*

(A) "Iowa Administrative Code," section 567-22.8(1), effective July 12, 1995, containing a permit by rule for spray booths.

(B) "Iowa Administrative Code," sections 567-23.2(3); 23.2(4), effective April 19, 1995, addressing open burning.

(C) "Iowa Administrative Code," sections 567-22.5 (2)-(6), (8)-(10), effective March 20, 1996. These rules address NSR requirements in nonattainment areas.

(D) "Iowa Administrative Code," sections 567-20.2; 22.4(1); and 25.1(9), effective July 12, 1995. These rules address test method and definition updates.

(E) "Iowa Administrative Code," section 567-31.1, effective February 22, 1995. This rule addresses permit requirements relating to nonattainment areas.

(ii) Additional material.

(A) Letter dated July 11, 1997, from Pete Hamlin, IDNR, to Wayne Leidwanger, EPA, requesting approval under 112(l).

(65) On June 13, 1996, and April 25, 1997, the Director of the Iowa Department of Natural Resources (IDNR) submitted a revision to the State Implementation Plan (SIP) which included permits containing source specific emission limits and conditions for three sources in Muscatine, Iowa.

(i) Incorporation by reference.

(A) Grain Processing Corporation permits #95-A-374, #74-A-015-S, #79-A-194-S, #79-A-195-S, signed September 18, 1995.

(B) Muscatine Power and Water permits #74-A-175-S, #95-A-373 signed September 14, 1995.

(C) Monsanto Corporation permits #76-A-265S3, #76-A-161S3, signed July 18, 1996.

(ii) Additional material.

(A) Letters from Allan E. Stokes, IDNR, to Dennis Grams, Environmental Protection Agency, dated June 13, 1996, and April 21, 1997, containing supporting SIP information.

(66) On April 2, 1997, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan (SIP) for the State's two local agencies: the Polk County Public Works Department and Linn County Health Department.

(i) Incorporation by reference.

(A) Revised rules, "Polk County Board of Health Rules and Regulations: Chapter V, Air Pollution," effective December 18, 1996. This revision approves all articles insofar as they per-

tain to the SIP. Article XIII is specifically excluded from this approval. No action is taken on Sections 5-16(n), 5-16(p), 5-20, and 5-27(3) and (4).

(B) Revised rules, "Linn County Air Pollution Control Code of Ordinances," effective March 7, 1997. This revision approves all sections insofar as they pertain to the SIP. Sections 10.4(1.), 10.11, and 10.15 are specifically excluded from this approval. No action is taken on Sections 10.9(2.), 10.9(3.), 10.9(4.), and the definition of "federally enforceable" in Section 10.2.

(ii) Additional material.

(A) Letter from Allan E. Stokes, Iowa Department of Natural Resources, to William A. Spratlin, Environmental Protection Agency, dated May 15, 1997. This letter provides additional information regarding various administrative requirements outlined in 40 CFR part 51.

(67) In correspondence dated October 21, 1997, and January 21, 1998, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan.

(i) Incorporation by reference.

(A) "Iowa Administrative Code" sections 567-22.8(1) "b," "c," and "e," 567-22.203(1) "a," 567-22.300, 567-22.300(1) through 567-22.300(11), 567-23.3(2) "d," and 567-29.1, effective June 12, 1996.

(B) "Iowa Administrative Code" section 567-20.2, effective October 16, 1996.

(C) "Iowa Administrative Code" sections 567-22.300(40) "b"(1), 567-22.300(8) "a"(1), and 567-22.300(8) "b"(2), effective December 25, 1996. (D) "Iowa Administrative Code" sections 567-20.2, 567-22.2(1), 567-22.201(1) "a," 567-22.201(2) "b," 567-22.202, 567-22.203(1), 567-22.300(3) "b" and "c," 567-22.300(8) "a," effective May 14, 1997.

(ii) Additional material.

(A) "Iowa Administrative Code" section 567-23.1(5), Calculation of emission limitations based upon stack height, was renumbered to section 567-23.1(6), effective August 20, 1997.

[37 FR 10865, May 31, 1972. Redesignated at 64 FR 7094, Feb. 12, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.824, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 52.825 Compliance schedules.

(a) [Reserved]

(b) *Regulation for increments of progress.* (1) Except as provided in paragraph (b)(2) of this section, the owner or operator of any stationary source subject to regulation 4.3.(3)(b), “Rules and Regulations Relating to Air Pollution Control of the Iowa Air Pollution Control Commission” shall, no later than December 31, 1972, submit to the Administrator for approval, a proposed compliance schedule that demonstrates compliance with the applicable regulation as expeditiously as practicable but no later than January 1, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contract for construction or process changes, if applicable; initiation of construction; completion and start-up of control system; performance tests; and submittal of performance test analysis and results.

(2) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before December 31, 1973, no compliance schedule shall be required.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(c) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to § 51.104 and subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

IOWA

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Iowa Army Ammunition Plant (explosive contaminated waste burning).	Middletown, Iowa.	400—4.2(1)	June 14, 1979	Feb. 28, 1982 ..	Feb. 1982.
Progressive Foundry, Inc., cupola and casting shakeout area.	Perry	400—4.6	Nov. 6, 1981	Sept. 1, 1983.

NOTE 1: Linn County Health Department does not issue variances if source(s) is on an approvable compliance schedule.

NOTE 2: Polk County Department of Health does not issue variances if source(s) is on an accepted and approved compliance schedule.

NOTE 3: City of Des Moines, Department of Public Health does not issue variances if source(s) is on an accepted and approved compliance schedule.

[37 FR 10865, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.825, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§§ 52.826–52.827 [Reserved]**§ 52.828 Enforcement.**

(a) Sections 23(1)(b) and 13(7) of Senate File 85, Division II for Iowa are disapproved insofar as they permit the Air Quality Commission of the Iowa Department of Environmental Quality to issue abatement orders (1) that defer compliance with plan requirements beyond the dates required for attainment

of the national standards, (2) without the approval of the Administrator, and (3) for reasons not permitted by the Clean Air Act.

(b) Regulation limiting administrative abatement orders:

(1) No order deferring compliance with a requirement of the Iowa Implementation Plan shall be issued by the Air Quality Commission of the Iowa Department of Environmental Quality which does not meet the following requirements:

(i) An order must require compliance with the plan requirement within the

times and under the conditions specified in § 51.261 (a) and (b) of this chapter.

(ii) An order may not defer compliance beyond the last date permitted by section 110 of the Act for attainment of the national standard which the plan implements unless the procedures and conditions set forth in section 110(f) of the Act are met.

(iii) An order shall not be effective until it has been submitted to and approved by the Administrator in accordance with §§ 51.104, 51.105, 51.261 and 51.262(a).

(2) Notwithstanding the limitations of paragraph (b)(1)(ii) of this section, an order may be granted which provides for compliance beyond the statutory attainment date for a national standard where compliance is not possible because of breakdowns or malfunctions of equipment, acts of God, or other unavoidable occurrences. However, such order may not defer compliance for more than three (3) months unless the procedures and conditions set forth in section 110(f) of the Act are met.

[38 FR 30877, Nov. 8, 1973, as amended at 51 FR 40675, 40676, 40677, Nov. 7, 1986; 52 FR 24367, June 30, 1987]

§§ 52.829–52.832 [Reserved]

§ 52.833 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are met, except for sources seeking permits to locate on Indian lands in the state of Iowa; sources with permits issued by EPA prior to the effective date of the state's rules; and certain sources affected by the stack height rules described in a letter from Iowa dated April 22, 1987.

(b) Regulations for preventing significant deterioration of air quality.

The provisions of § 52.21 (b) through (w) are hereby incorporated and made a part of the applicable state plan for the state of Iowa for sources wishing to locate on Indian lands; sources constructed under permits issued by EPA; and certain sources as described in Iowa's April 22, 1987, letter.

[52 FR 23982, June 26, 1987]

§ 52.834 Control strategy: Sulfur dioxide.

Approval—On April 21, 1997, the Iowa Department of Natural Resources (IDNR) submitted a maintenance plan and redesignation request for the Muscatine County nonattainment area. The maintenance plan and redesignation request satisfy all applicable requirements of the Clean Air Act.

[63 FR 13345, Mar. 19, 1998]